

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

<b>IN THE MATTER OF APPLICATION )</b>	
<b>FOR PERMIT #61-12096 IN THE )</b>	<b>PRELIMINARY ORDER</b>
<b>NAME OF ELK CREEK CANYON )</b>	<b>VOIDING APPLICATION</b>
<b>LLC )</b>	
_____ )	

**FINDINGS OF FACT**

1. On April 3, 2007, Elk Creek Canyon LLC filed an application for permit with the Idaho Department of Water Resources (IDWR). This application was filed by SPF Water Engineering, on behalf of the applicant.
2. On November 15, 2007, IDWR met with the consultant, the developer, the attorney and the designer. The meeting was to discuss the project overview. At that time, the consultant was preparing additional information for phase 1 of the project.
3. On April 29, 2009, IDWR sent a letter to the consultant, requesting additional information. A ninety (90) day deadline from the date of the letter was set.
4. On June 3, 2009, IDWR received an e-mail from the consultant, indicating that there had been a change in ownership. IDWR replied on the same day, and told the consultant that the appropriate assignment forms & ownership documentation would be necessary; and could be submitted with the additional information still needed in order to continue processing.
5. On June 18, 2009, IDWR received an amended application from the consultant.
6. On August 3, 2009, IDWR sent the consultant an e-mail, regarding the status of the additional information previously requested. The consultant replied on the same day, asking for an additional ninety (90) days to provide the information.
7. IDWR granted the additional time, and set a new deadline for December 31, 2009.

To date, IDWR has received no response from the consultant or the applicant.

**CONCLUSIONS OF LAW**

1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit requested information to IDWR within the allotted time given, IDWR may void the application.
2. Elk Creek Canyon LLC and/or SPF Water Engineering failed or refused to provide IDWR the requested information. The application should be voided.

## ORDER

***IT IS HEREBY ORDERED that Application for Permit #61-12096 in the name of Elk Creek Canyon LLC be VOIDED.***

Dated this 25<sup>th</sup> day of January, 2010



John Westra  
Manager, Western Regional Manager

## CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of January, 2010, I mailed a true and correct copy, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:



Denise Buffington  
Administrative Assistant

ELK CREEK CANYON LLC  
C/O SPF WATER ENGINEERING  
300 E MALLARD DR, STE 350  
BOISE ID 83706